

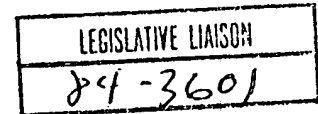
CENTRAL INTELLIGENCE AGENCY



Director, Office of Legislative Liaison

19 September 1984

NOTE TO: DCI



Gut issue: Hatch vs. English:

Last year Hatch's bill S-774 died in English/Kindness Subcommittee in the House. What Hatch wants is "ironclad assurance" that English/Kindness will take up S-774 early in the new Congress, his particular concern being the FBI relief in the Bill.

(Above from Dave Addington, HPSCI staff: Ernie and Karen unavailable on the Hill attending the FOIA vote session.)

  
Charles A. Briggs

25X1

*P.S. Ernie just called — he confirms the above. Ernie says that English is prepared to give the requested assurance.*

CENTRAL INTELLIGENCE AGENCY



Director, Office of Legislative Liaison

19 September 1984

NOTE TO: DCI

Attached by Ernie refutes in paras. 1-3 the charge by Hatch's staffer that we sabotaged Hatch's bill.

The New Item para. is included to avoid your being blindsided if Hatch brings it up - which I doubt.

/s/Charles A. Briggs

Charles A. Briggs

S-E-C-R-E-T

19 September 1984

NOTE FOR THE DIRECTOR

FROM : Charles A. Briggs  
Director, Office of Legislative Liaison

SUBJECT: Your Meeting With Senator Hatch This  
Afternoon on FOIA

1. We understand that you may be confronted with an allegation that the Agency or, more specifically Ernie, connived with Glenn English to have the (b)(3) amendment attached to our bill. The facts are as follows: Early in the year, we were informed by Mr. English's staff that the (b)(3) amendment would be added to our bill as the price for Mr. English's support. We tried vigorously to talk them out of that approach. In fact, an original statement by Mr. English's staff was to the effect that there would be no support for our bill unless the Administration could assure Mr. English there would be no opposition to the amendment in the Senate. We emphatically informed Mr. English's staff that we would not participate in any such deal and the suggestion was thereafter dropped.

2. After the amendment was attached to our bill, at Committee mark-up in mid-July, this Agency worked vigorously with the Department of Justice to get Justice and English together on a compromise over this issue. (Justice, as well as Senator Hatch's people, from the outset let it be known that they would drop their opposition to the amendment if anxiously desired provisions in Senator Hatch's government-wide FOIA bill would go through the House.) Thus, it was the result of the Agency's efforts that serious negotiations between Justice and Mr. English's Committee began. It was also during the summer that Mr. English held hearings on S.774. During this entire period, Justice was in close contact with Senator Hatch's staff

S-E-C-R-E-T

25X1

S-E-C-R-E-T

concerning the progress of their negotiations and legislative strategy. While we felt it desirable to serve as an intermediary between Justice and Mr. English's staff, we felt it would be inappropriate to function as intermediary between Senator Hatch's staff and Mr. English's Committee, particularly since we knew that Justice and Senator Hatch's staff worked closely together.

3. Additionally, the Agency was the catalyst in bringing about a meeting between Senator Hatch and Mr. English to enable further negotiations regarding Senator Hatch's FOIA bill, S.774. Thus, rather than conniving with Mr. English, this Agency has done everything possible to try to achieve action by Mr. English to move Senator Hatch's bill forward.

NEW ITEM:

Though it is not likely that Senator Hatch will bring it up, in the eventuality however that he does, you should know that Senator Hatch's office submitted a constituency inquiry to this Agency concerning one [ ] on 29 August, to which we have not yet replied (attached). If the Senator raises the issue, you may assure him that this Agency is not in possession of any information that would verify [ ]  
[ ] You may further assure the Senator that a complete detailed reply will be forthcoming in the very near future.

25X1

25X1

25X1

/s/Charles A. Briggs  
Charles A. Briggs

Attachment, a/s

S-E-C-R-E-T

Summary of Major Provisions in S. 774  
"The Freedom of Information Reform Act"

Fees and Waivers:

Authorizes OMB to issue guidelines to develop a uniform schedule of fees and processing procedures for all agencies.

Would allow agencies to charge fees for "all costs reasonably and directly attributable to" search, duplication and other FOIA processing activities and to retain one-half of the fees collected unless found by GAO or OMB to be in substantial noncompliance with the time limits in the Act.

Time Limits:

Retains 10-day time limit on responding to requesters but allows agencies to take 30-working-day extensions in "unusual circumstances".

Provides that an agency shall not be considered to have violated the Act's time limits unless and until a court rules on the issue.

Manuals and Examination Materials:

Includes a provision clarifying Congressional intent that exemption 2 of the FOIA protect from release sensitive law enforcement manuals and auditing records, the release of which could enhance vulnerability of Government functions to criminal activity.

Personal Privacy:

Broadens protection of personal privacy by expanding exemption dealing with records or information on an individual.

Law Enforcement:

Amends exemption 7 of the FOIA to exempt from disclosure any information that could reasonably be expected to disclose a law enforcement confidential source, including a State or local government agency or foreign government, thus affording greater protection to law enforcement information.

Organized Crime:

Excludes from disclosure all documents compiled in a lawful investigation of organized crime which are specifically designated by the Attorney General for purposes of this section. Applies to documents generated or acquired by such law enforcement authority within 5 years of the date of the request, except where the agency determines that there is an overriding public interest in earlier disclosure or in a longer exclusion not to exceed 3 years.

Reasonably Segregable:

The FOIA currently requires that any portions of requested records that can be reasonably segregated from exempt portions be provided to the requester. The bill recognizes the problems this creates in the case of records containing material covered by exemption 1 (classified national security information) or exemption 7 (law enforcement information) to allow an agency to consider whether the disclosure of particular information would, in the context of other information available to the requester, cause the harm sought to be avoided by exemptions 1 and 7.

Proper Requests:

Restricts use of the FOIA to United States persons or aliens lawfully admitted for permanent residence.

Grants the Attorney General the authority to draft regulations to limit requests by imprisoned felons.

Business Confidentiality Procedures:

Requires each agency to promulgate regulations specifying procedures by which any person who submits trade secrets, or commercial, research, or financial information in which the person has a commercial or proprietary interest to an agency (other than an intelligence agency) can designate such information as exempt from disclosure under exemption 4 of the FOIA.

Provides for agency notification to a submitter of any request to the agency for information received from the submitter which they had so designated, allows for submitter objection to release of the information, and notification to the submitter of the final agency decision regarding release.

Judicial Review:

Requires that any legal action against an agency by a requester or a submitter of information must be initiated within 180 days of the pertinent agency action.

Gives submitters of information the right to seek judicial review of an agency decision to release their information.

**Page Denied**

Next 10 Page(s) In Document Denied